TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~574.~~ 345

CHARLES MORGAN, APPELLANT,

vs.

JAMES GRAHAM, AUDITOR, ANTOINE DUBUCLET, TREASURER, GEORGE E. BOVEE, SECRETARY, AND HENRY C. WARMOUTH, GOVERNOR, OF THE STATE OF LOUISIANA; AND THE NEW ORLEANS, MOBILE AND CHATTANOOGA RAILROAD COMPANY, NOW KNOWN BY THE NAME AND STYLE OF THE NEW ORLEANS, MOBILE AND TEXAS RAILROAD COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA.

FILED OCTOBER 11, 1871.

Dec. 1871

SUPREME COURT OF THE UNITED STATES.

No. 574.

CHARLES MORGAN, APPELLANT,

vs.

JAMES GRAHAM, AUDITOR, ANTOINE DUBUCLET, TREASURER, GEORGE E. BOVEE, SECRETARY, AND HENRY C. WARMOUTH, GOVERNOR, OF THE STATE OF LOUISIANA; AND THE NEW ORLEANS, MOBILE AND CHATTANOOGA RAILROAD COMPANY, NOW KNOWN BY THE NAME AND STYLE OF THE NEW ORLEANS, MOBILE AND TEXAS RAILROAD COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA.

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1 United States circuit court, fifth circuit and district of Louisiana.

CHARLES MORGAN
vs.
JA'S GRAHAM & ALS. } No. 6461.

Bill of complaint.—Filed June 6th, 1871.

CHARLES MORGAN
vs.
JAMES GRAHAM ET ALS. } No. 6461. In equity.

U. S. circuit court, district of Louisiana.

To the honorable judges of the circuit court of the United States for the district of Louisiana.

2 Charles Morgan, a citizen of the *the* State of New York, residing in the city of New York in the said State, brings this his bill of complaint against James Graham, Antoine Dubuclet, George E. Bovee, and Henry C. Warmoth, citizens of the State of Louisiana, residing in the city of New Orleans, in said State of Louisiana.

And thereupon your orator complains and says that he is the owner of real and personal property situated in the said State of Louisiana, of the value of two hundred & seventy-five thousand dollars and upwards, which is subject to taxation, and upon which taxes are assessed by the State; and that he is the owner of other property, to the value of two millions of dollars and upwards, which he is informed and believes is not now subject to taxation, but upon which the State authorities claim the right to assess taxes.

And your orator, further complaining, shews that the legislature of the State of Louisiana, by an act entitled "An act relative to the New Orleans, Mobile and Chattanooga Railroad Company, and to reg-
3 ulate judicial proceedings in certain cases under the charter of the said company, and the laws of this State relative thereto, heretofore passed, and to declare and define the liabilities and powers of the said company, and to facilitate and aid, by the grant of bonds, the construction, and secure the maintenance, of the railroad of the said company within the State of Louisiana, and to appropriate certain lands in the city of New Orleans for public use, and to provide for the building of one or more branches to the main line of the said railroad," approved February 21st, 1870, being act No. 31 of the acts of the legislature of Louisiana for the said year, 1870, declared in the seventh section of the said act that, in order to induce the said company to extend its railroad westerly from the city of New Orleans, in this State, to the city of Houston, in Texas, and to put the same in operation between the said cities in the time specified in the said act, the State granted and would pay and deliver to the said company the bonds of the State to the
4 amount of three millions of dollars, to be made and delivered to the said company at the time and upon the terms and conditions as provided in the said act.

And your orator further shews that, by the provisions of the said act, all of the said bonds were required to be signed by the governor and countersigned by the secretary of state, and sealed with the seal of the State; that they were to be of such denominations as said company should elect, and should be numbered consecutively, and registered in

the books of the auditor and treasurer and payable to the said company or bearer in forty years from their date, with interest at the rate of eight per cent. per annum, payable semi-annually, on the first days of January and July of each year, in the city of New York; for which interest coupons were to be attached to said bonds, and that the governor was authorized and required by the said act to deliver the said bonds, after they had been countersigned by the secretary of state and registered as aforesaid by the said auditor and treasurer, to the said company,
5 by instalments, as follows, viz: Whenever the said company should have constructed its railroad from a point on the right bank of the Mississippi River, opposite the cities of New Orleans, Jefferson, or Carrolton, to the Bayou La Fourche, at or near Donaldsonville, in the parish of Ascension, the amount of seven hundred and fifty thousand ($750,000 00) dollars; whenever the said company should have constructed its railroad to Vermillionville, in the parish of Lafayette, the further amount of seven hundred and fifty thousand ($750,000 00) dollars; whenever the said company should have constructed its railroad to the Sabine River, the further sum of seven hundred and fifty thousand ($750,000 00) dollars; and whenever it should have constructed its railroad from the said Sabine River to the city of Houston, in the State of Texas, the further sum of seven hundred and fifty thousand ($750,000 00) dollars.

And your orator, further complaining, shews that it was specially provided in the said act that the interest to accrue on the said bonds,
6 as well as the money for the final payment thereof, is to be raised by taxes on all the real and personal property situated in the said State of Louisiana, by the imposition, annually, from and after the issuing of any portion of the said bonds, for each fiscal year, of a State tax of one mill on each dollar of the valuation of all the real and personal property in the State subject to taxation; to be assessed, levied, and collected in current moneys in the manner provided by law for the assessment and collection of other taxes; and that if the said bonds, or any portion of the same, are issued and delivered to the said com*com*pany as aforesaid, to be by the said company disposed of for its benefit and advantage, as provided for by the said act, the issuing and delivery to the said company of the said bonds will operate as a grant to the said company of an annuity of one mill on each dollar of the valuation of all the real and personal property of your orator situated in the State of Louisiana, subject to taxation, and will have the effect of taking away such a portion of the property of your orator each and every
7 year thereafter, and until the full and entire payment of the interest to accrue on the said bonds, and of the capital of the same, and giving it to the said company.

And your orator, further complaining, says that the said New Orleans, Mobile and Chattanooga Railroad Company, now known as the New Orleans, Mobile and Texas Railroad Company, is a private corporation; that the railroad in the course of construction by the said company is the private property of the stockholders thereof, and that the same, when constructed and put in operation, is to be managed and controlled with a view to the making of large revenues, by the transportation of freight and passengers for hire, which are to be divided among the stockholders of the said company for their individual benefit and advantage.

And your orator further shews that, by a joint resolution of the legislature of the State of Louisiana, approved on the 16th of March, 1870, it was provided that an amendment to the constitution to the

8 effect that prior to the 1st day of January, 1890, the debt of the said State shall not be so increased as to exceed twenty-five millions ($25,000,000) of dollars; that the said amendment was submitted to a vote of the people of the State at the last general election; that the same was adopted by 100,170 votes in favor of the amendment to 3,150 against it, as will be seen by reference to a copy of the said resolution, with a certificate of the vote given thereon at the last general election, given by the secretary of state, under the seal of the State, which is herewith filed as "Exhibit A."

And your orator further shews that he is informed and believes that the Governor of the State of Louisiana has caused bonds to the amount of seven hundred and fifty thousand ($750,000 00) dollars, with coupons of interest attached thereto, as aforesaid, to be engraved and printed; that he has signed and sealed the same; and that he has directed and required the secretary of state of the said State of
9 Louisiana to countersign, and the said auditor and treasurer of said State to register said bonds.

And your orator, further complaining, says that he is informed and believes that the amount of indebtedness of the State of Louisiana exceeded the sum of twenty-five millions of dollars ($25,000,000) on the 31st day of December, 1870, and that, in consequence thereof, the officers of the State of Louisiana are without any authority to issue said bonds for seven hundred and fifty thousand dollars, ($75 ,000 00,) or any other evidences of indebtedness on the part of the said State of Louisiana.

And your orator further shews that he is informed and believes that the said grant made to the said company, under and in virtue of which the said bonds are to be issued as aforesaid, with coupons of interest attached, and by which one mill on each dollar of the valuation of the real and personal property owned by your orator in the State of Louisiana, subject to taxation, is to be taken away from your orator for the private benefit and advantage of the stockholders of the said company, each and every year from and after the issuing and the delivery
10 of the said bonds to the said company, and until the full and entire payment of the interest to accrue on the said bonds, and of the capital of the same, is null and void—

First. Because of the entire and absolute want of power in the legislature of the State of Louisiana to take away any portion of the property of your orator, or of any person holding and possessing property in the State of Louisiana, and giving the same to the said company or to the stockholders of the said company or to any other person or persons for their private benefit and advantage; and,

Second. Because it impairs the obligation of the contracts under and by virtue of which your orator holds and possesses real and personal property owned by him as aforesaid, and situated in the State of Louisiana, and violates the tenth section of the first article of the Constitution of the United States, which prohibits any State from passing any law impairing the obligation of contracts, and Article 110 of the constitution of the State of Louisiana, which also prohibits the passage of any law impairing the obligation of contracts.

11 And your orator further shews that the said bonds granted to the said company as aforesaid, are negotiable instruments, and that if the said secretary of state be not restrained from countersigning and the said auditor and the said treasurer be not restrained from registering the said bonds, and the said governor of the said State be not restrained from delivering the said bonds to the said company, your or-

ator will suffer great and irreparable injury; and that he is informed and believes he is entitled in the premises to the remedial writ of injunction, to be issued out of this honorable court, to restrain the said secretary of state, the said auditor, the said tre'surer, and the said governor from countersigning, registering, or delivering the said bonds as aforesaid.

And your orator further shows that George E. Bovee is secretary of state, the said James Graham is auditor, the said Antoine Dubuclet is treasurer, and the said Henry C. Warmoth is governor of the said State of Louisiana.

And your orator, further complaining, shews that the said New Orleans, Mobile and Chattanooga Railroad Company, now known
12 by the name and style of the New Orleans, Mobile and Texas Railroad Company, a corporation established by the laws of Louisiana, and a citizen of the State of Louisiana, having its domicil in the city of New Orleans, in said State, has an interest in the matters involved herein, and ought to be made a party defendant in the cause.

To the end, therefore, that the said James Graham, auditor, Antoine Dubuclet, treasurer, George E. Bovee, secretary of state, Henry C. Warmoth, governor, and the said New Orleans, Mobile and Chattanooga Railroad Company, now known by the name and style of the New Orleans, Mobile and Texas Railroad Company, may, if they can, show why your orator should not have the relief hereby prayed for, and may answer to the same, and may answer all the allegations and averments of the said bill of complaint, in the same manner as if they were repeated, and they were distinctly interrogated thereto:

And that the said George E. Bovee, secretary of state, be restrained and enjoined from countersigning, and the said James Graham, auditor, and Antoine Dubuclet, treasurer of the State of Louisiana, may
13 be restrained and enjoined from registering, in their respective offices, and the said Henry C. Warmoth, governor, may be restrained and enjoined from delivering the said bonds to the said New Orleans, Mobile and Chat'anooga Railroad Company, now known as the New Orleans, Mobile and Texas Railroad Company:

May it please your honors to grant unto your orator the writ of process of subpœna, to be issued out of and under the seal of the circuit court of the United States for the district of Louisiana, directed to the said James Graham, auditor, Antoine Dubuclet, treasurer, George E. Bovee, secretary of state, Henry C. Warmoth, governor, and the said New Orleans, Mobile and Chattanooga Railroad Company, now known by the name of the New Orleans, Mobile and Texas Railroad Company, to be and appear before this honorable court, and then and there to answer the premises, and further to stand to and abide such order and decree as shall be agreeable to equity and good conscience.

And your orator further prays that he may have such other and further relief in the premises as the nature and the circumstances of the case may require and to your honors seem meet.

(Signed) MILES TAYTOR,
LEORY AND MONROE,
Solicitors of Complainant.

14 Cha's A. Whitney, agent and attorney-in-fact for Charles Morgan, the complainant in the foregoing bill, being duly sworn, says that the said Charles Morgan is now absent from the State; and he further says that all the allegations contained in the said bill which are stated as within the knowledge of complainant, are true; and that all

the allegations which are stated upon information derived from others, are true to the best of his knowledge, information, and belief.

(Signed) CHA'S A. WHITNEY.

Sworn to and subscribed this 6th day of June, 1871, before me.

(Signed) F. B. VINOT, *D'y Clk.*

EXHIBIT "A."—*Filed June 6th*, 1871.

EXTRA SESSION.

No. 12.—JOINT RESOLUTION proposing an amendment to the constitution of the State of Louisiana.

Be it resolved by the senate and house of representatives of the State of Louisiana in general assembly convened, (two-thirds of the members elected to each house agreeing thereto,) That the following amendment to
15 the constitution of the State of Louisiana shall be submitted to the people of the State at the next general election for representatives of the general assembly, and if approved and ratified by a majority of the voters at said election, the same shall become a part of the constitution:

ARTICLE . That, prior to the first day of January, one thousand eight hundred and ninety, the debt of the State shall not be so increased as to exceed twenty-five millions of dollars.

(Signed) MORTIMER CARR,
Speaker of the House of Representatives.

(Signed) OSCAR J. DUNN,
Lieut. Gov. and President of the Senate.

Approved March 16, 1870.

(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true and exact copy from the original act on file in this office.

[SEAL.] (Signed) GEO. E. BOVEE,
Sec'y of State.

OFFICE SECRETARY OF STATE,
STATE OF LOUISIANA.

This is to certify that the following is a true and exact copy
16 from the election returns of the number of votes cast for the amendment restricting the State debt to $25,000,000; and the number of votes cast against the amendment restricting the State to $25,000,000.

For the amendment, 100,170 votes; against the amendment, 3,150.

Given under my hand and the seal of State affixed this third day of March, 1871, and of the independence of the United States the ninety-fifth.

[SEAL.] (Signed) GEO. E. BOVEE,
Secretary of State.

Affidavit of Geo. Pandely.—Filed June 6th, 1871.

U. S. circuit court, district of Louisiana.

CHARLES MORGAN
vs.
JAMES GRAHAM ET AL. } No.

17 GEORGE PANDELY, being duly sworn, says that he is the president of the Pontchartrain Railroad Company, a corporation created

and established by the laws of Louisiana, and having its domicil in the city of New Orleans; that the capital stock of the said company consists in 7,500 shares, of 100 dollars each. And he further says that the said Charles Morgan is assessed in the parish of Jefferson for the property owned by him in the said parish, and valued in the assessment-rolls of the said parish at the sum of twelve thousand dollars for the purpose of taxation. And he further says that the said Charles Morgan is assessed in the city of New Orleans and parish of Orleans, for real property owned by him in the said parish and valued in the assessment-rolls of the said city and parish of Orleans at the sum of one hundred and six thousand dollars; and that the said Pontchartrain Railroad Company is assessed for property owned by it in said city and parish, and valued in the assessment-rolls of said city at the sum of two hundred and
18 thirty-six thousand dollars, as will be seen by the annexed certificate from the New Orleans department of assessment which accompanies this affidavit, and is marked "B." And he further says that the said Charles Morgan is the owner of 5,658 shares of the capital stock of the Pontchartrain Railroad Company, out of 7,500, the whole number of the shares of the capital stock of said company, as will be seen by reference to the certificate of W'm S. Carter, the secretary of the said Pontchartrain Railroad Company, which is hereto annexed, marked "C."

(Signed) G. PANDELY.

Sworn to and subscribed this 6th day of June, 1871, before me.

(Signed) F. B. VINOT, *Dy Clk.*

EXHIBIT "B."—*Filed June 6th*, 1871, *with affidavit of Geo. Pandely.*

NEW ORLEANS DEP'T OF ASSESSMENT,
June 6th, 1871.

19 The undersigned, secretary of the department of assessments for the city of New Orleans, does hereby certify that Charles Morgan is assessed on the assessment-books of this department as follows, to wit:

1. Real estate in square 166, bounded by Natchez, Gravier, Magazine, and Bank place, assessed for.....	50,000
2. Real estate in square A 5, bounded by Front, Delta, Notre Dame, & Girod streets, assessed.....	17,000
3. Real estate, square A 16, bounded by Delta, Water, Girod, and Notre Dame, assessed for.....	23,000
4. Real estate in square 1189, ninth assessment district...	$16,000
Total.....	$106,000

The undersigned further certifies that the Ponchartrain Railroad Company is assessed on the rolls of this department in the sum of two hundred and thirty-six thousand dollars ($236,000) for real estate and personal property.

(Signed) CHA'S E. INGALLS,
Sec'y Dep't of Assessment.

20 EXHIBIT "C."—*Filed June 6th*, '71, *with affidavit of Geo. Pandely.*

NEW ORLEANS, *June 6th*, 1871.

I, W'm J. Carter, secretary of the Ponchartrain Railroad Company, do hereby certify that there are five thousand six hundred and fifty-

eight shares of the capital stock of this company, of one hundred dollars each, standing on the books of the company in the name of Charles Morgan, and for which certificates have been issued to said Charles Morgan.

[SEAL.] (Signed) W'M J. CARTER,
Secretary.

Subpœnas in chancery.—Issued June 6th, 1871.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon James Graham, auditor, a citizen of the State of Louisiana, to appear before the honorable
21 the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of July, 1871, then and there to answer a bill in chancery filed against him and others, wherein Charles Morgan, a citizen of the State of New York, is complainant, and said James Graham and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States of America, this 6th day of June, in the year of our Lord one thousand eight hundred and seventy-one, and the 95th year of American independence.

[SEAL.] (Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court,
22 on or before the first Monday of July, 1871; otherwise the bill may be taken pro confesso.

(Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

Marshal's return.

Received June 6th, 1871, by the U. S. marshal, and on the same day, month, and year, served a copy of the within subpœna on James Graham, personally, on Camp street, in this city.

New Orleans, June 6th, 1871.

(Signed) S. W. REED,
D'y U. S. Marshal.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon The New Orleans, Mobile and Chattanooga Railroad Company, now known by the name and style of the New Orleans, Mobile and Texas Railroad Company, a corporation established by the laws of Louisiana, and a citizen of the
23 State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of July, 1871, then and there

to answer a bill in chancery filed against it and others, wherein Charles Morgan, a citizen of the State of New York, is complainant, and said New Orleans, Mobile and Chattanooga Railroad Company, now known by the name and style of the New Orleans, Mobile and Texas Railroad Company, and others, are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States of America, this 6th day of June, in the year of our Lord one thousand eight hundred and seventy-one, and the 95th year of American independence.

[SEAL.] (Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

24 The defendant is hereby notified that it is required to enter its appearance in the clerk's office of the United States circuit court on or before the first Monday of July, 1871; otherwise the bill may be taken pro confesso.

(Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

Marshal's return.

Received June 6th, 1871, by the U. S. marshal, and on the same day, month, and year, served a copy hereof on J. A. Raynor, president of the N. O., Mobile & Texas Railroad Co., personally.

(Signed) S. W. REED,
D'y U. S. Marshal.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Antoine Dubuclet,
25 treasurer, a citizen of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of July, 1871, then and there to answer a bill in chancery, filed against him and others, wherein Charles Morgan, a citizen of the State of New York, is complainant, and said Antoine Dubuclet and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States of America, this 6th day of June, in the year of our Lord one thousand eight hundred and seventy-one, and the 95th year of American independence.

[SEAL.] (Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

26 The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of July, 1871; otherwise the bill may be taken pro confesso.

(Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

Marshal's return thereon.

Received June 6th, 1871, by the U. S. marshal, and on the 7th of June, 1871, served a copy hereof on Antoine Dubuclet, treasurer, personally.

(Signed) S. W. REED,
D'y U. S. Marshal.

JUNE 26TH, '71.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are commanded to summon Henry C. Warmoth, governor, a citizen of the State of Louisiana, to appear before the honor-
27 able the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of July, 1871, then and there to answer a bill in chancery filed against him and others, wherein Charles Morgan, a citizen of the State of New York, is complainant, and said Henry C. Warmoth, governor, and others are defendants. Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States of America, this 6th day of June, in the year of our Lord one thousand eight hundred and seventy-one, and the 95th year of American independence.

[SEAL.] (Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

28 The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of July, 1871; otherwise the bill may be taken pro confesso.

(Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

Marshal's return thereon.

Received June 6th, 1871, by the U. S. marshal, and on the 8th of June, 1871, served a copy hereof on H. C. Warmoth, governor, by handing it to Mr. Bragdon, his private secretary, at the state-house, in this city.

D'y U. S. Marshal.

JUNE 26TH, '71.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

29 You are hereby commanded to summon George E. Bovee, secretary of state, a citizen of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of July, 1871, then and there to answer a bill in chancery filed against him and others, wherein Charles Morgan, a citizen of the State of New York, is complainant, and said George E. Bovee and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States of America, this 6th day of June, in the year of our Lord one thonsand eight hundred and seventy-one, and the 95th year of American independence.

(Signed) D. URBAN, *Clk*,
By F. B. VINOT, *D'y Clk.*

30 The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of July, 1871; otherwise the bill may be taken pro confesso.

(Signed) D. URBAN, *Clk*,
By F. B. VINOT, *Clerk.*

Marshal's return thereon.

Received June 6, '71, by the U. S. marshal, and on the 9th of June, 1871, served a copy hereof on Geo. E. Bovee, personally, in this city.

(Signed) S. W. REED,
D'y U. S. Marshal.

JUNE 26, '71.

Rule for injunction.—Extract from the minutes.

NEW ORLEANS, *Tuesday, June 6th*, '71.

Court met pursuant to adjournment—present, Hon. J. P. Bradley, associate justice Supreme Court—

31 CHA'S MORGAN
vs.
JAMES GRAHAM ET AL. } No. 6461.

On motion of complainant, by Miles Taylor and Leory and Monroe, his counsel, for an injunction, as prayed for in his bill of complaint now on file in this court, and on the said bill of complaint and the exhibit, and the affidavit filed herewith:

It is ordered that notice of the said motion be given to the defendants, the said James Graham, auditor; Antoine Dubuclet, treasurer; George E. Bovee, secretary of state; and Henry C. Warmoth, governor, and the New Orleans, Mobile and Chattanooga Railroad Company, now known by the name of the New Orleans, Mobile and Texas Railroad Company, and that the said motion will be heard on the 9th day of June, 1871, at 11 o'clock a. m.

Marshal's return thereon.

Received June 6th, 1871, by the U. S. marshal, and on the same
32 day, month, and year served a copy of the within motion for injunction on James Graham, personally, at Camp st., in this city.

New Orleans, June 6th, 1871.

(Signed) S. W. REED,
D'y U. S. Marshal.

Answer to rule.—Filed June 9th, 1871.

United States circuit court, in chancery.

CHARLES MORGAN *vs.* JAMES GRAHAM ET AL. } No.

To the honorable judges of the circuit court of the United States, for the fifth judicial circuit, and district of Louisiana:

Now comes James Graham, auditor of public accounts of the State of Louisiana, upon whom an application has been served herein, to show cause this day why a preliminary writ of injunction should not be issued pending the action of complainant, restraining your respondent from registering in his official records certain bonds of the State of
33 Louisiana, sought to be issued to the defendant, The New Orleans, Mobile and Texas Railroad Company, as stated in complainant's bill, and for cause shows that, as an officer of the State of Louisiana, he has been charged by law with the performance of a ministerial duty, viz, under and by virtue of section 7, of act No. 31, of the general assembly of the State of Louisiana, for the year 1870, to register the bonds, as stated by complainant, and thereupon to levy a tax upon all the property, real and personal, situate in the State of Louisiana, to meet the annual interest of said bonds, and to provide a sinking fund for their payment when due; that if said law be unconstitutional, and impose a duty injurious to complainant, then The New Orleans, Mobile and Texas Railroad Company having been made defendant hereto, and being the main party in interest, is called upon by respondent to make defence herein; that respondent avers his readiness to obey and carry out the final decree to be rendered in this cause, and otherwise act according to the Constitution and laws governing the case.

34 Wherefore he prays your honors will protect him by its orders and decrees. And he will ever pray, &c.

(Signed) HORNOR AND BENEDICT,
Solicitors.

(Signed) JAMES GRAHAM,
Auditor.

Circuit court of the United States, district of Louisiana.

CHARLES MORGAN *vs.* H. C. WARMOTH ET ALS. } No. 6461.

The attorney general of the State of Louisiana, on behalf of Henry C. Warmoth, governor; James Graham, auditor; George E. Bovee, secretary of state, and Antoine Dubuclet, state treasurer, defendants in a cause of the title and number aforesaid in this honorable court, respectfully decline the jurisdiction of the court in this case, because that the said suit is against the said parties in their official characters, and undertakes to control and direct them severally in the performance of
35 their official and public duties, und' the constitution and laws of the State, and to subject the executive department of the State and its internal administration to the cognizance and superintendence of this honorable court, but that this jurisdiction has not been conferred by the Constitution of the United States, nor the laws thereof, and is

denied to the court by the eleventh (11th) article of the amendments to the Constitution of the United States. Wherefore, and for the cause aforesaid, the attorney general, on behalf of the several parties aforesaid, respectfully prays the court to discharge the rule issued by the court in this cause on the 6th of June instant, at the costs of the plaintiff.

(Signed) SIMEON BELDEN,
Attorney General of the State of Louisiana.

Circuit court of the United States, district of Louisiana.

CHARLES MORGAN
vs.
JAMES GRAHAM ET AL. } No. 6461.

36 The New Orleans, Mobile and Texas R. R. Co., in answer to the rule of the court in this cause, shows that the matter of the bill is not such as to allow of the issuing of an injunction as prayed for.

2. The plaintiff has no such interest as to justify the issue of a writ upon his prayer.

They pray the discharge of the rule with costs.

(Signed) CAMPBELL, SPOFFORD AND CAMPBELL,
For Def't.

Note of evidence.—Filed June 9th, 1871.

CHA'S MORGAN
vs.
GRAHAM, AUDITOR, &C. } No. 6461.

Complainant offers Exhibit A, affidavit of Geo. Pondely, & Document B and C, and statement of debts and liabilities of the State by Auditor Graham, D.

Exhibit A, referred to in the foregoing note of evidence.

37 NOTA.—This exhibit is to be found transcribed at page 14.

Affidavit of Geo. Pandely, referred to in the foregoing note of evidence.

NOTA.—This affidavit is to be found transcribed at page 16.

Documents B and C, referred to in the foregoing note of evidence.

NOTA.—Documents B and C are to be found transcribed on page 16 & 18.

Statement of debts and liabilities of the State, by Auditor Graham.—Document D, referred to in the note of evidence.—Filed and sworn to 12th day of June, 1871.

Official statement of the debts and liabilities of the State of Louisiana on the 1st June, 1871.

OUTSTANDING BONDS OF THE STATE.

38 650 bonds, of $1,000 each, issued to the New Orleans, Opelousas and Great Western Railroad Company, in payment of stock. (Acts Nos. 176 & 231, of 1853) $650,000 00

884 bonds, of $1,000 each, issued to the New Orleans, Jackson and Great Northern Railroad Company, in payment for stock. (Acts Nos. 177 and 231, of 1853). 884,000 00

298 bonds, of $1,000 each, issued to the Vicksburg, Shreveport and Texas Railroad Company, in payment for stock. (Acts Nos. 228 and 231, of 1853) .. 298,000 00

160 bonds, of $1,000 each, issued to the Baton Rouge, Grosse Tête and Opelousas Railroad Company in payment for stock. (Act No. 231, of 1853) 160,000 00

1,500 bonds, of $500 each, issued for the relief of the State treasurer. (Act No. 277, of 1853) 750,000 00

136 bonds, of $1,000 each, issued to the seminary fund, in payment of amount due to said fund on the 30th June, 1857, under act No. 182, of 1857..... 136,000 00

529 bonds, of $1,000 each, issued to the free school fund in payment of amount due to said fund, June 30, 1857. (Act No. 182, of 1857)..... 529,000 00

39 80 bonds, of $1,000 each, issued to the Charity Hospital for the purchase of ground. (Act approved Feb'y 27, 1832)..... 80,000 00

46 bonds, of $1,000 each, issued to the Mexican Gulf Railroad Company. (Act No. 83, of 1828).. 46,000 00
Less ten (10) bonds of the same company, paid since last auditor's report..... 10,000 00
36,000 00

457 bonds, of $1,000 each, issued to the New Orleans and Nashville Railroad Co. (Act No. 111, of 1837)..... 457,000 00
Less three (3) bonds of the same company, paid since last auditor's report 3,000 00
454,000 00

1,000 bonds, at $1,000 each, issued to defray expenses of building levees. (Act No. 35, of 1865) 1,000,000 00

500 bonds, of $1,000 each, issued for purposes of the State penitentiary, under act No. 55, of 1869..... 500,000 00

80 bonds, of $1,000 each, issued to the Bœuff and Crocodile Navigation Company, under act No. 146, of 1869, approved March 5th, 1869..... 80,000 00

435 bonds of $1,000 each, } Issued in settlement of
977 " $500 " } bonds and coupons past
738 " $100 " } due, under act No. 15, of 1866 ..... 997,300 00

40 6,000 bonds, of $500 each, issued under act No. 32, of 1870, to provide for the payment of work done, or to be done, on the levees of the State 3,000,000 00

134 bonds, of $1,000 each, issued for the relief of P. J. Kennedy. (Act 105, of 1870) 134,000 00

3,000 bonds, of $1,000 each, issued to provide for the payment or funding of the floating debt of the State, by the issue and sale or exchange of State bonds, under act No. 69, of 1870..... 3,000,000 00

4,000 bonds, of $1,000 each, to defray the expenses of building levees, under act No. 115, of 1867 ..... 4,000,000 00

2,500 bonds, of $1,000 each, issued to the New Orleans, Mobile and Texas Railroad Company, under the (5th)

fifth clause of the fourth (4th) section of act No. 31, of 1870, which bonds were, on the twenty-first day of April, 1871, exchanged for stock of said company, under act No. 95, of 1871, approved April 20, '71	2,500,000 00
Total outstanding bonds of the State	19,188,300 00

Of the above enumerated bonds the following are held in trust by the State and belong to the funds specified as follows:

41 To the redemption fund	$246,000
To the seminary fund	137,000
To the free school fund	974,000
	1,357,000

BONDS FOR WHICH THE STATE IS CONTINGENTLY LIABLE.

Liability of the State upon bonds loaned to The Citizens' and Consolidated Banks.

To the Citizens' Bank, due February 1st, 1876	$1,265,777 77
To the Citizens' Bank, due February 1st, 1877	1,264,888 89
To the Citizens' Bank, due February 1st, 1884	500,000 00
To the Citizens' Bank, due February 1st, 1886	1,266,666 67
To the Consolidated Bank	506,350 00
	4,803,683 33
546 bonds, of $1,000 each, issued to the North Louisiana and Texas Railroad Company, being for ninety-one (91) miles of said road, at $6,000 per mile. (Act 108, of 1868	546,000 00
474 bonds, of $1,000 each, issued to the Mississippi and Mexican Gulf Ship Canal Company, under Act 116 of 1869	474,000 00
750 bonds, of the New Orleans, Mobile and Texas Railroad Company, guaranteed to the said company, being for the first six sections of ten (10) miles each (60 miles) at $12,500 per mile, under act No. 26 of 1869	750,000 00
	1,770,000 00
42 Total bonded debt for which the State is contingently liable	6,573,683 33
Total bonded debt (outstanding and contingent)	$25,761,983 33

RECAPITULATION OF THE BONDED DEBT.

Outstanding bonds of the State	19,188,300 00
Bonds for which the State is contingently liable and	

upon which the obligation to pay interest primarily devolves on the corporations to which the issues were made	6,573,683 33
Total amount of the bonded debt of the State to this date	$25,761,983 33

MISCELLANEOUS DEBTS.

Due Citizens' Bank, for money borrowed to pay interest, payment of which is secured by a pledge of 250 bonds of $1,000 each, issued Feb'y 6th, 1871, under act 5 of 1866; amended by joint resolution No. 10 of extra session of 1870	$125,000 00
Total amount of warrants of all descriptions outstanding on the 31st May, (inclusive,) 1871	1,735,854 67
43 Total amount of certificates of indebtedness outstanding on the 31st day of May, (inclusive,) 1871	$257,925 77
Outstanding certificates of indebtedness, (commonly known as State notes,) issued under act No. 5 of 1866	33,075 00
Balance due to vacant estates	14,367 12
Due unknown owners, proceed' sales of runaway slaves, prior to 1860	3,781 60
Due purchasers of lands for redemption of same	15,159 77
Due the General Government under deposit act (act No. 200 of 1857, of the U. S.)	479,919 14
Amount due the free school accumulating fund, the same having been borrowed from said fund, under act No. 45, of 1863	200,000 00
Amount due the public land fund, under act No. 49, of 1863	117,275 77
Amount of interest due the several townships, under act No. 182, of 1857, and act No. 48 of 1858, supplementary to the last-mentioned act	211,131 74
Total amount of miscellaneous debts	3,187,490 58
Total debt for which the State is absolutely and contingently liable	28,949,473 91

44 ACTS OF THE GENERAL ASSEMBLY, GRANTING STATE AID TO VARIOUS CORPORATIONS—BONDS NOT YET ISSUED.

Remaining bonds of the State, to be issued to the Mississippi and Mexican Gulf Ship Canal Company, under act No. 116 of 1869, $474,000 of said bonds having been issued to said company and included in the contingent debt	$126,000 00
Remaining bonds of the State to be issued to the North Louisiana and Texas Railroad Company, the entire length of said road being about 190 miles, at $6,000 per mile, and 91 miles having been settled for,	

which is included in the contingent debt. (Act No. 108, of 1868)		594,000 00
Bonds of the New Orleans, Mobile and Texas Railroad Company, the payment of which the State guarantees under the 1st section of act No. 26, of 1869, the entire length of said road being 226 miles, at $12,500 per mile	$2,825,000	
Less the first six sections of 10 miles each, (60 miles) for which bonds have been guaranteed and included in the contingent debt of the State	750,000	
		2,075,000 00
45 Bonds of the State to be issued to the New Orleans, Mobile, and Texas Railroad Company, in accordance with the provisions of the seventh (7th) section of act No. 31, of 1870		3,000,000 00
Bonds of the New Orleans, Baton Rouge and Vicksburg Railroad Company, guaranteed by the State to an amount not exceeding $12,500 per mile of said road and its branches. (Act No. 143, of 1869.) (Estimated number of miles, 500.) [The right of the company to this amount is disputed by the attorney general, who has given the opinion that it is only entitled to $1,025,000.]		6,250,000 00
Bonds of the State to be issued to establish the Charity Hospital at the city of Shreveport, under act 149, of 1869		100,000 00
Obligations to subscribe for 1,000 shares of the stock of the Mississippi Valley Navigation Company of South and West, as per act No. 84, of 1870		100,000 00
Total amount of bonds or aid granted by acts of the general assembly to various corporations prior to 1871, and which bonds are not yet issued		12,245,000 00
46 Total bonded and miscellaneous debts of the State, and bonds or aid granted by the general assembly, etc		$41,194,473 91

RECAPITULATION.

Outstanding State bonds	19,188,300 00
Bonds for which the State is contingently liable	6,573,683 33
Miscellaneous debts	3,187,490 58
Bonds or aid granted by acts of the general assembly prior to 1871	12,245,000 00
	41,194,473 91

I, James Graham, auditor of public accounts, State of Louisiana, do hereby certify that the foregoing is a complete and correct statement of the debt, present and eventual, of the State of Louisiana.

JAMES GRAHAM,
Auditor.

NEW ORLEANS, *June 10th*, 1871.

James Graham, being duly sworn, says:

I am auditor of public accounts for the State of Louisiana; and the statement on the reverse hereof made is just, true, and correct, as taken from the official records of my office, and so much thereof as is stated from the laws quoted and the claims made thereunder, I believe to be true and correct.

(Signed) JAMES GRAHAM.

47 Sworn to and subscribed this 12th day of June, 1871, before me.

(Signed) F. B. VINOT,
D'y Cl'k.

Extract from minutes of June 10th, 1871.—Submission of rule.

The rule in this case was resumed and after hearing further argument the court took time to advise.

Decree.—Extract from judgment docket.

United States circuit court, fifth circuit and district of Louisiana, April term, 1871.

NEW ORLEANS, *Wednesday, June 14, '71.*

Court met pursuant to adjournment—
Present, Hon. J. P. Bradley, associate justice of the Supreme Court.

CHA'S MORGAN
vs.
JA'S GRAHAM ET AL. } No. 6461.

For reasons orally assigned by the court—

48 It is ordered, adjudged, and decreed that an injunction be refused, and complainant's bill dismissed with costs.

Decree rendered June 14th, 1871.
Decree signed June 15th, 1871.

(Signed) JOSEPH P. BRADLEY,
Associate Justice Sup. Court U. S.

Petition and order for appeal.—Filed June 16, '71.

U. S. circuit court, district of Louisiana.

CHARLES MORGAN
vs.
JAMES GRAHAM ET AL. } In equity.

To the honorable the judge of the circuit court of the United States for the district of Louisiana:

The petition of Charles Morgan, a citizen of the State of New York, residing in the city of New York in said State, respectfully represents:

That a final judgment or decree was rendered against him in
49 the above-entitled case on the 14th day of June, 1871, in which it was ordered, adjudged, and decreed that the injunction moved

for therein be refused, and that his bill of complaint be dismissed with costs; that petitioner is aggrieved by the said judgment or decree which he believes to be erroneous; that the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars; that he is informed and believes he is entitled to have an appeal allowed in the said cause to the Supreme Court of the United States, on his giving bond with good & sufficient security, conditioned according to law, in such sum as may be fixed by the court, and that petitioner now gives said bond and presents the same with this petition.

Wherefore petitioner prays that he may be allowed an appeal from the said final judgment or decree to the Supreme Court of the United States, on giving bond with good & sufficient security in the sum fixed by the court; that the said James Graham, Antoine Dubuclet, George E. Bovee, Henry C. Warmoth, and the said New Orleans, Mobile and
50 Chattanooga Railroad Company, now known by the name of the New Orleans, Mobile and Texas Railroad Company, the defendants in the said cause, may be notified of the said appeal and cited before the appellate court according to law, and that the said appeal be returned into and carried before the said Supreme Court of the United States, at the next term of the said court, to be heard and determined therein.

(Signed) MILES TAYLOR,
Attorney for Petitioner.

An appeal is allowed in this case, as prayed for, returnable to the Supreme Court of the U. S. the 1st Monday of December next, the appellant giving bond in the sum of $500, with surity according to law.

June 16th 1871.

(Signed) W. B. WOODS,
Judge of U. S. Circuit Court for 5th Circuit, & District of La.

Bond for appeal—Filed June 16th, 1871.

51 Know all men by these presents that we, Charles Morgan, as principal, and John B. Heno, as security, are held and firmly bound, jointly and severally, unto James Graham, Antoine Dubuclet, George E. Bovee, Henry C. Warmoth, and The New Orleans, Mobile and Chattanooga Railroad Company, now known as the New Orleans, Mobile and Texas Railroad Company, in the sum of five hundred dollars lawful money of the United States of America, to be paid to the said James Graham, Antoine Dubuclet, George E. Bovee, Henry C. Warmoth, and The New Orleans, Mobile & Chattanooga Railroad Company, now known as the New Orleans, Mobile and Texas Railroad Company, heirs, executors, administrators, and assigns, for which payment well and truly to be made, we bind ourselves, and each of us by himself, and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated the 16th day of June, in the year of our Lord, eighteen hundred and seventy-one.

Whereas the said Charles Morgan has this day presented a
52 petition to the honorable the circuit court of the United States for the fifth circuit, holding sessions in and for the district of Louisiana, praying for an appeal from a final judgment or decree rendered by the said circuit court of the United States on the 14th of June, 1871, in the suit entitled "Charles Morgan vs. James Graham & al," No. 6461 of the docket of the said circuit court:

Now the condition of the above obligation is, that we, the above-

bounden Charles Morgan, will well and truly pay to the said James Graham, Antoine Dubuclet, George E. Bovee, Henry C. Warmouth, & The New Orleans, Mobile and Chattanooga Railroad Company, now known as the New Orleans, Mobile and Texas Railroad, the defendants in said appeal, all such damages as they may recover against us in case it should be decided that the said appeal was wrongfully obtained.

(Signed) CHA'S MORGAN,
pp. CHA'S A. WHITNEY.
(S'g'd) JNO. B. HENO.

Signed, sealed, and delivered in the presence of—
SAMUEL J. SEYMOUR.
E. J. SCHMOTTE.

53 UNITED STATES OF AMERICA:

Circuit court of the United States, fifth circuit and district of Louisiana

CLERK'S OFFICE.

I, Francis A. Woolfley, clerk of the circuit court of the United States, for fifth circuit and district of Louisiana, do hereby certify that the foregoing 52 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of Charles Morgan vs. James Graham & als., No. 6461 of the docket, so far as the same now remain of record, or on file in said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 2d day of September, A. D. 1871.

[SEAL.] F. A. WOOLFLEY, *Clerk.*

[5-ct. int. rev. stamp canceled.]

I, E. H. Durell, United States judge for the district of Louisiana, do hereby certify that Francis A. Woolfley, whose name is signed to the above certificate as clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, was, at the time of signing said certificate, and is now, the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand at the city of New Orleans, in said district, this 2d day of September, A. D. 1871.

E. H. DURELL, *Judge.*

[5-ct. int. rev. stamp, canceled.]

54 THE UNITED STATES OF AMERICA,
District of Louisiana:

The President of the United States to James Graham, auditor of the State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a petition & order for appeal, filed in the clerk's office of the circuit court of the United States for the fifth circuit and district of Louisiana, wherein Charles Morgan is appellant and you are appellee, to show cause, if any there be, why the judgment rendered against the said appellant, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 17th day of June, in the year of our Lord one thousand eight hundred and seventy-one.

W. B. WOODS,
Judge U. S. Circuit Court for 5th Circuit & Dist. of Louisiana.

55 (Indorsed:)

United States circuit court. No. 6461. Cha's Morgan vs. Ja's Graham & als. Citation of appeal. Ja's Graham, auditor.

Marshal's return.

Received Jun. 17, 1871, by the U. S. marshal, and on the 21st of June, 1871, served James Graham, auditor, with a copy hereof, by handing the same to him in person at the cor. of Royal & Conti streets in this city.

S. W. REED,
D'y U. S. Marshal.

JUNE 21, '71.

On this 8th day of July, 1871, personally appeared before me, the subscriber, S. W. Reed, and makes oath that he delivered a copy of the within citation as stated in his official return hereon.

S. W. REED.

Sworn & subscribed before me.

F. B. VINOT,
D'y Clk.

56 THE UNITED STATES OF AMERICA,
District of Louisiana:

The President of the United States to Antoine Dubuclet, treasurer of the State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at the city of Washington on the first Monday of December next, pursuant to a petition & order for appeal filed in the clerk's office of the circuit court of the United States for the fifth circuit and district of Louisiana, wherein Charles Morgan is appellant and you are appellee, to show cause, if any there be, why the judgment rendered against the said appellant, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 17th day of June, in the year of our Lord one thousand eight hundred and seventy-one.

W. B. WOODS,
Judge U. S. Circuit Court for 5th Circuit & Dist. of Louisiana.

57 (Indorsed:)

United States circuit court. No. 6461. Cha's Morgan vs. Ja's Graham & als. Citation of appeal. Antoine Dubuclet, treasurer.

Marshal's return.

Received Jun. 17, 1871, by the U. S. marshal, and on the 19th of June, 1871, served a copy hereof on Antoine Dubuclet, treasurer, by handing

the same to him in person at his office in this city, at the corner of Royal & Conti streets in this city.

S. W. REED,
D'y U. S. Marshal.

JUNE 19, 1871.

On this 8th day of July, 1871, personally appeared before me, the subscriber, S. W. Reed, and makes oath that he delivered a copy of the within citation as stated in his official return hereon.

S. W. REED.

Sworn & subscribed before me.

F. B. VINOT,
D'y Clk.

58 THE UNITED STATES OF AMERICA,
District of Louisiana:

The President of the United States to George E. Bovee, secretary of the State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a petition & order for appeal, filed in the clerk's office of the circuit court of the United States for the fifth circuit and district of Louisiana, wherein Charles Morgan is appellant, and you are appellee, to show cause, if any there be, why the judgment rendered against the said appellant, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 17th day of June, in the year of our Lord one thousand eight hundred and seventy-one.

W. B. WOODS,
Judge U. S. Circuit Court for 5th Circuit & Dis't of Louisiana.

59 (Indorsed:)

United States circuit court. No. 6461. Cha's Morgan vs. Ja's Graham & als. Citation of appeal. Geo. E. Bovee, secretary of state.

Marshal's return.

Received Jun. 17, 1871, by the U. S. marshal, and on the 19th of June, 1871, served a copy hereof on Geo. E. Bovee, secretary of state, by handing the same to him in person at the state-house in this city.

S. W. REED,
D'y U. S. Marshal.

JUNE 19, '71.

On this 8th day of July, 1871, personally appeared before me, the subscriber, S. W. Reed, and makes oath that he delivered a copy of the within citation as stated in his official return hereon.

S. W. REED.

Sworn & subscribed before me.

F. B. VINOT,
D'y Clk.

60 THE UNITED STATES OF AMERICA,
District of Louisiana:

The President of the United States to Henry C. Warmouth, governor of the State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a petition & order for appeal, filed in the clerk's office of the circuit court of the United States for the fifth circuit and district of Louisiana, wherein Charles Morgan is appellant and you are appellee, to show cause, if any there be, why the judgment rendered against the said appellant, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 17th day of June, in the year of our Lord one thousand eight hundred and seventy-one.

W. B. WOODS,
Judge U. S. Circuit Court for 5th Circuit & Dis't of Louisiana.

61 (Indorsed:)

United States circuit court. No. 6461. Cha's Morgan vs. Ja's Graham & als. Citation of appeal. H. C. Warmouth, governor.

Marshal's return.

Received Jun. 17, 1871, by the U. S. marshal, and on the 23rd of June, 1871, served a copy hereof on H. C. Warmouth, governor, by handing the same to him in person at his domicil on Camp street in this city.

S. W. REED,
D'y U. S. Marshal.

JUNE 23, '71.

On this 8th day of July, 1871, personally appeared before me the subscriber, S. W. Reed, and makes oath that he delivered a copy of the within citation as stated in his official return hereon.

S. W. REED.

Sworn & subscribed before me.

F. B. VINOT,
D'y Clk.

62 THE UNITED STATES OF AMERICA,
District of Louisiana:

The President of the United States to The New Orleans, Mobile & Chattanooga Railroad Company, now known by the name and style of the New Orleans, Mobile and Texas Railroad Company, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a petition & order for appeal filed in the clerk's office of the circuit court of the United States for the fifth circuit and district of Louisiana, wherein Charles Morgan is appellant and you are appellees, to show cause, if any there be, why the judgment rendered against the said appellant, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 17th day of June, in the year of our Lord one thousand eight hundred and seventy-one.

W. B. WOODS,
Judge U. S. Circuit Court for 5th Circuit & Dis't of Louisiana.

63 (Indorsed:)

United States circuit court. No. 6461. Cha's Morgan vs. Ja's Graham & als. Citation of appeal. The N. O., Mobile & Texas R. R. Co.

Marshal's return.

Received Jun. 17, 1871, by the U. S. marshal, and on the 19th of June, 1871, served a copy hereof on The N. O., Mobile & Texas Railroad Co., by handing the same to J. A. Raynor, president of said company, in person, at his office in Gallier court in this city.

S. W. REED,
D'y U. S. Marshal.

JUNE 19, 1871.

On the 8th day of July, 1871, personally appeared before me the subscriber, S. W. Reed, and makes oath that he delivered a copy of the within citation as stated in his official return hereon.

S. W. REED.

Sworn & subscribed before me.

F. B. VINOT,
D'y Clk.

(Indorsement on cover:) No. 574. Charles Morgan, appellant, vs. James Graham, auditor; Antoine Dubuclet, treasurer; George E. Bovee, secretary, and Henry C. Warmouth, governor of the State of Louisiana, & The New Orleans, Mobile & Chattanooga R. R. Co., now known by the name & style of the New Orleans, Mobile & Texas R. R. Co. Louisiana C. C. U. S. Filed 11th October, 1871.